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6  
7 Attorneys for Defendants,  
FRANK FERRARA and CHARLIE FERRARA

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10  
11 CORY SPENCER, an individual; DIANA  
MILENA REED, an individual; and  
12 COASTAL PROTECTION RANGERS,  
INC., a California non-profit public  
13 benefit corporation,

14 Plaintiff,

15 vs.

16 LUNADA BAY BOYS; THE  
INDIVIDUAL MEMBERS OF THE  
17 LUNADA BAY BOYS, including but not  
limited to SANG LEE, BRANT  
18 BLAKEMAN, ALAN JOHNSTON AKA  
JALIAN JOHNSTON, MICHAEL RAE  
19 PAPAYANS, ANGELO FERRARA,  
FRANK FERRARA, CHARLIE  
20 FERRARA; CITY OF PALOS VERDES  
ESTATES; CHIEF OF POLICE JEFF  
21 KEPLEY, in his representative capacity;  
and DOES 1-10,

22 Defendants.  
23

Case No. 2:16-cv-2129

Judge: Hon. S. James Otero  
Dept: Courtroom 10C

Magistrate Judge:  
Hon. Rozella A. Oliver

**DECLARATION OF TIFFANY  
BACON IN SUPPORT OF  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR MONETARY  
SANCTIONS AGAINST CHARLIE  
FERRARA, FRANK FERRARA  
AND THIER COUNSEL OF  
RECORD BREMER WHYTE  
BROWN & O'MEARA**

Date:  
Time: 8:30 a.m.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

24 I, Tiffany Bacon, declare as follows:

25 1. I am an attorney at law duly licensed to practice before the United States  
26 District Court for the Central District of California and am an associate with the law  
27 firm of Bremer Whyte Brown & O'Meara LLP ("BWBO"), counsel of record for  
28

1 Defendants FRANK FERRARA and CHARLIE FERRARA (hereinafter the  
2 “Ferraras”) in this action. Except for those facts stated upon information and belief, I  
3 have personal knowledge of the facts set forth in this declaration and, if called as a  
4 witness, could and would competently testify to such facts under oath.

5 2. On April 14, 2017, I received my first email from Plaintiffs’ counsel,  
6 Samantha Wolff, Esq., demanding a call with Magistrate Judge Oliver regarding the  
7 Ferraras’ responses to Plaintiffs’ discovery. The email consists of a brief, two  
8 paragraph demand. (Docket No. 403-14.)

9 3. After exchanging brief email communications on April 17, 2017, I met  
10 and conferred with Ms. Wolff telephonically on April 21, 2017 for the first time  
11 regarding Plaintiffs’ discovery issues. This call lasted a little over one half hour, and  
12 I billed .6 hours for this telephonic meet and confer.

13 4. On April 26, 2017, I sent an email to Ms. Wolff with a brief summary of  
14 the discussion that occurred during the telephonic meet and confer, and Ms. Wolff  
15 responded on May 1, 2017 with a one paragraph response in supplement to my  
16 summary. (Docket No. 403-16.) I billed, in total, .7 hours for these  
17 communications.

18 5. In the midst of meeting and conferring on the Ferraras’ responses to  
19 Plaintiffs’ document requests, Plaintiffs served six additional sets of discovery on the  
20 Ferraras, on June 2, 2017 and June 8, 2017.

21 6. Plaintiffs’ counsel sent a one-page letter on June 27, 2017 further  
22 demanding a telephonic hearing with Magistrate Judge Oliver. (Docket 403-17.)

23 7. On or about July 3, 2017, I spoke with Ms. Wolff regarding the  
24 Ferraras’ discovery wherein Ms. Wolff, for the first time, requested the Ferraras  
25 conduct a full extraction of their cellular phone data. This call lasted fewer than 15  
26 minutes, and I billed .2 hours for this telephonic meet and confer.

27 8. Ms. Wolff was informed during this brief meet and confer on July 3,  
28 2017 that the Ferraras were making diligent efforts to obtain cellular phone records

1 from their provider, and that the Ferraras would make efforts toward extracting their  
2 cellular phone data in order to produce *responsive documents* to Plaintiffs' requests.

3 9. On July 10, 2017, the date of Frank Ferrara's deposition which I was  
4 personally defending, Ms. Wolff sent me a short, one paragraph email demanding a  
5 telephonic hearing with Magistrate Judge Oliver. Because I was covering my  
6 client's deposition, I was unable to respond to Ms. Wolff's email until that evening  
7 after the deposition had concluded; however, I informed her that the Ferraras never  
8 expressed an unwillingness to produce documents but instead have made efforts to  
9 obtain the requested records from their cell phone provider with no success. (Docket  
10 No. 403-19.)

11 10. On July 12, 2017, I billed another.3 hours for meeting and conferring  
12 with Ms. Wolff regarding Plaintiffs' continued dispute over the Ferraras' production.

13 11. After a telephonic hearing with Magistrate Judge Oliver on July 13,  
14 2017, the Ferraras were ordered "to produce responsive documents from the cell  
15 phone imaging and responsive cell phone bills and records" within only four days, by  
16 July 17, 2017. (See Docket No. 267.) This production date is also only ten days  
17 after Ms. Wolff made her first request that the Ferraras conduct a full scale extraction  
18 of the data from their cell phones. I billed 1.3 hours for attending the hearing on July  
19 13, 2017.

20 12. On July 17, 2017, the Ferraras produced responsive documents from the  
21 cell phone imaging and responsive cell phone bills and records. The Ferraras could  
22 not complete the extraction of data from their cellular phones until July 16, 2017,  
23 which resulted in approximately 3,200 pages of documents, the majority of which  
24 had to be vetted for actual responsive information to Plaintiffs' document requests.  
25 The electronically stored information ("ESI") included information totally irrelevant  
26 to this matter, including inspirational texts and bible verses sent by the Ferraras and  
27 personal, intimate conversations between the Ferraras and their close family  
28 members, including their spouses.

1           13. On July 17, 2017, the Ferraras in good faith produced 1,200 pages of  
2 responsive documents from cell phone imaging and responsive cell phone bills as  
3 part of a rolling production, as 1,200 pages was the amount I was able to review  
4 within the exceptionally short time period since extraction was completed only the  
5 day before.

6           14. Following this production, on July 18, 2017, Plaintiffs' counsel sent a  
7 short, one-page letter indicating Plaintiffs' position that the production was  
8 improperly redacted. (Docket No. 403-22.)

9           15. I explained to Ms. Wolff the redactions were made in order to produce  
10 only responsive information to Plaintiffs' requests. (Docket No. 403-23.) Despite  
11 informing Plaintiffs' counsel of this fact and that the remaining responsive  
12 documents would be produced as expeditiously as possible, Ms. Wolff demanded an  
13 additional telephonic hearing with Magistrate Judge Oliver, which took place on July  
14 26, 2017 pursuant to the Court's availability. I only billed .1 hours for my meet and  
15 confer correspondence with Ms. Wolff on July 24, 2017.

16           16. On July 26, 2017, I appeared for the further telephonic hearing  
17 regarding the Ferraras' production. I billed .8 hours for this telephonic appearance.

18           17. By July 27, 2017, the Ferraras had produced all documents within their  
19 possession understood to be responsive to Plaintiffs' discovery requests. It is my  
20 understanding the Ferraras' cell phone billing records, not already produced to  
21 Plaintiffs' counsel, are available through their cell phone service provider. However,  
22 such records have not been voluntarily produced despite the Ferraras' multiple  
23 requests for these records.

24           18. At no time did Plaintiffs' counsel contact BWBO to discuss the  
25 potential for reimbursement of the attorneys' fees they incurred in pursuit of the  
26 Ferraras' responsive documents.

27           19. Having reviewed my billing entries for this matter, I spent  
28 approximately 5.5 hours meeting and conferring with Ms. Wolff regarding the

1 Ferraras' production of responsive documents and appearing for the telephonic  
2 hearings with Magistrate Judge Oliver.

3 20. A true and correct copy of excerpts from the deposition of Sang Lee is  
4 attached hereto as **Exhibit A**.

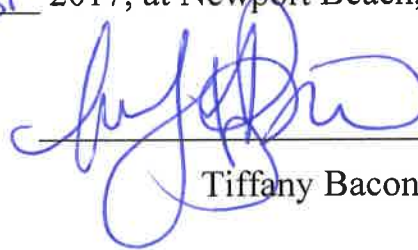
5 21. A true and correct copy of excerpts from the deposition of Frank Ferrara  
6 is attached hereto as **Exhibit B**.

7 22. A true and correct copy of excerpts from the deposition of Charlie  
8 Ferrara is attached hereto as **Exhibit C**.

9 I declare under penalty of perjury under the laws of the United States of  
10 America that the foregoing is true and correct.

11 Executed on this 21<sup>st</sup> day of August 2017, at Newport Beach, California.

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Tiffany Bacon



**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On August 21, 2017, I served the within document(s) described as:

DECLARATION OF TIFFANY BACON IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR MONETARY SANCTIONS AGAINST CHARLIE FERRARA, FRANK FERRARA AND THIER COUNSEL OF RECORD BREMER WHYTE BROWN & O'MEARA

on the interested parties in this action as stated on the attached mailing list.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the \_ for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by 's system. A copy of the filing receipt page will be maintained with the original document(s) in our office.

Executed on August 21, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Hailey Williams  
(Type or print name)

  
(Signature)

**Cory Spencer v. Lunada Bay Boys et al.,**

**Case No. 2:16-cv-2129-SJO**

**BWB&O CLIENT: Frank and Charlie Ferrara**  
**BWB&O FILE NO.: 1178.176**

**SERVICE LIST**

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<p>Jacob Song, Esq.  <b>KUTAK ROCK LLP</b>  5 Park Plaza  Suite 1500  Irvine, CA 92614  (949) 417-0999  (949) 417-5639  Attorney For <b>CITY OF PALOS VERDES ESTATES and JEFF KEPLEY, in his representative capacity, serves as the Chief of Police Department of Defendant City of Palos Verdes Estates.</b></p> <p><a href="mailto:jacob.song@kutakrock.com">jacob.song@kutakrock.com</a></p>	<p>J. Patrick Carey, Esq.  <b>LAW OFFICE OF PATRICK CAREY</b>  1230 Rosecrans Avenue  Suite 270  Manhattan Beach, CA 90266  (310) 526-2237  (310) 356-3671 Fax  Attorney For <b>ALAN JOHNSTON individual member of LUNADA BAY BOYS aka JALIAN JOHNSTON</b></p> <p><a href="mailto:pat@patcareylaw.com">pat@patcareylaw.com</a></p>	<p>Aaron G. Miller, Esq.  <b>THE PHILIPS FIRM</b>  800 Wilshire Boulevard  Suite 1550  Los Angeles, CA 90017  (213) 244-9913  (213) 244-9915 Fax  Attorneys For <b>ANGELO FERRARA</b></p> <p><a href="mailto:amiller@thephillipsfirm.com">amiller@thephillipsfirm.com</a></p>
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# **Exhibit A**



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL; )  
DIANA MILENA REED, AN )  
INDIVIDUAL; AND COASTAL )  
PROTECTION RANGERS, INC., )  
A CALIFORNIA NON-PROFIT PUBLIC )  
BENEFIT CORPORATION, )

Plaintiffs, )

vs. )

No.: 2:16-cv-02129-SJO  
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL )  
MEMBERS OF THE LUNADA BAY BOYS, )  
INCLUDING BUT NOT LIMITED TO )  
SANG LEE, BRANT BLAKEMAN, ALAN )  
JOHNSTON AKA JALIAN JOHNSTON, )  
MICHAEL RAE PAPAYANS, ANGELO )  
FERRARA, FRANK FERRARA, )  
CHARLIE FERRARA, ET AL., )

Defendants. )

----- )

VIDEOTAPED DEPOSITION OF  
SANG LEE  
COSTA MESA, CALIFORNIA  
MAY 31, 2017

Atkinson-Baker, Inc.  
Court Reporters  
www.depo.com  
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979  
FILE NO: AB05A10

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL; )  
DIANA MILENA REED, AN )  
INDIVIDUAL; AND COASTAL )  
PROTECTION RANGERS, INC., )  
A CALIFORNIA NON-PROFIT PUBLIC )  
BENEFIT CORPORATION, )

Plaintiffs, )

vs. )

No.: 2:16-cv-02129-SJO  
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL )  
MEMBERS OF THE LUNADA BAY BOYS, )  
INCLUDING BUT NOT LIMITED TO )  
SANG LEE, BRANT BLAKEMAN, ALAN )  
JOHNSTON AKA JALIAN JOHNSTON, )  
MICHAEL RAE PAPAYANS, ANGELO )  
FERRARA, FRANK FERRARA, )  
CHARLIE FERRARA, ET AL., )

Defendants. )

----- )

Videotaped deposition of SANG LEE, taken on  
behalf of the Plaintiffs, at 3420 Bristol Street,  
Sixth Floor, Costa Mesa, California, 92626, commencing  
at 9:03 a.m., Wednesday, May 31, 2017, before  
ANGELIQUE MELODY FERRIO, CSR No. 6979.

A P P E A R A N C E S

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ALSO PRESENT:

Barbra Westmore, Videographer

## 1 INDEX

2  
3 WITNESS: SANG LEE4  
5 EXAMINATION BY: PAGE  
6 MS. POOLEY 107  
8 EXAMINATION BY: PAGE  
9 BY MS. BACON 29310  
11  
12  
13 EXHIBITS14  
15 NUMBER DESCRIPTION PAGE16  
17 221 Plaintiffs' Notice of Deposition 17  
18 of Defendant Sang Lee  
19 Dated May 19, 2017  
20 Consisting of seven pages21  
22 222 Memo From Sang Lee 88  
23 To John Camplin  
24 Dated 1/8/2011  
25 Lee 00000001 - Lee 00000003  
Consisting of three pages



1		EXHIBITS CONTINUED:	
2			
3	223	Memo From Sang Lee	140
4		To Ringer Surfboards	
5		Dated 1/10/2011	
6		Lee 00000015	
7		Consisting of one page	
8			
9	224	Memo From Sang Lee	158
10		To Zen Del Rio	
11		Dated 1/16/2011	
12		Lee 00000591	
13		Consisting of one page	
14			
15	225	Memo From Charlie Mowat	166
16		To Sang Lee	
17		Dated 1/16/2014	
18		Lee 00000595	
19		Consisting of one page	
20			
21	226	Memo From Charlie Mowat	172
22		To Andy Patch	
23		Dated 1/17/2014	
24		Lee 00000596	
25		Consisting of one page	
	227	Memo From Sang Lee	177
		To Yoaks Wagon	
		Dated 1/17/2014	
		Lee 00000014	
		Consisting of one page	

1 COSTA MESA, CALIFORNIA, WEDNESDAY, MAY 31, 2017

2 9:03 A.M.

3 -000-

4 09:02:39

5 THE VIDEOGRAPHER: Good morning. We're on 09:02:39

6 the record. My name is Barbra Westmore, your 09:02:48

7 videographer. 09:02:51

8 And I represent Atkinson-Baker, Inc., located 09:02:51

9 in Glendale, California. The date is May 31, 2017, 09:02:55

10 and the time is 9:03 a.m. 09:02:59

11 This deposition is taking place at 09:03:02

12 3420 Bristol Street in Costa Mesa, California. The 09:03:05

13 case number is 2:16-CV-02129-SJO, in the matter 09:03:09

14 entitled Corey Spencer versus Lunada Bay Boys. 09:03:19

15 The witness is Sang Lee. And this deposition 09:03:24

16 is being taken on behalf of the Plaintiffs. Your 09:03:26

17 court reporter is Angelique Ferrio. 09:03:29

18 Would counsel please state their appearances 09:03:32

19 for the record. 09:03:34

20 MS. POOLEY: Lisa Pooley, Hansen Bridgett on 09:03:35

21 behalf of the Plaintiff. 09:03:38

22 MR. CROWLEY: Daniel Crowley of Booth, 09:03:39

23 Mitchel & Strange on behalf of Mr. Lee. 09:03:43

24 MR. WARD: Edward Ward, Junior, of Lewis, 09:03:43

25 Brisbois on behalf of Mr. Lee as well. 09:03:45

1 MS. BACON: Tiffany Bacon with Bremer, Whyte, 09:03:48  
2 Brown & O'Meara on behalf of Frank Ferrara and 09:03:50  
3 Charlie Ferrara. 09:03:52  
4 MR. DIEFFENBACH: Richard Dieffenbach for 09:03:52  
5 Mr. Brant Blakeman, the Defendant. 09:03:54  
6 And I'm getting E-Mails from the woman that 09:03:55  
7 just came to the door saying that several of the 09:03:58  
8 other attorneys are calling in unsuccessfully and 09:04:00  
9 can't hook in, Ms. Hewitt, Mr. Fields, and 09:04:03  
10 Mr. Cooper. 09:04:07  
11 MS. POOLEY: The phone here indicates that 09:04:14  
12 the number is (949) 330-7004. 09:04:17  
13 MR. DIEFFENBACH: It's 330-7004. Let me text 09:04:23  
14 these people to tell them. 09:04:28  
15 BY MS. POOLEY: 09:05:13  
16 Q. Mr. Lee, I represent Plaintiffs Corey 09:05:13  
17 Spencer, Diana Milena Reed, and the Costal Protection 09:05:17  
18 Rangers, Inc., in this lawsuit that they filed 09:05:21  
19 against Lunada Bay Boys and the individual members, 09:05:24  
20 including you, as well as the City of Palos Verdes 09:05:27  
21 Estates and Police Chief Jeff Kepley. 09:05:30  
22 Are you represented today by counsel? 09:05:33  
23 A. Yes. 09:05:36  
24 Q. And who is representing you today? 09:05:38  
25 A. Mr. Dan and Ed. 09:05:39

1 Q. Have you ever had your deposition taken 09:05:47  
2 before? 09:05:50

3 A. No, Ma'am. 09:05:50

4 Q. Have you ever signed any written statements 09:05:51  
5 such as a declaration or affidavit related to any 09:05:56  
6 litigation? 09:06:00

7 A. What do you mean? 09:06:01

8 Q. Have you ever signed any documents under 09:06:02  
9 oath? 09:06:06

10 A. No, Ma'am. 09:06:06

11 Q. And have you ever testified at a trial? 09:06:07

12 A. No. 09:06:11

13 Q. Have you ever given sworn testimony in any 09:06:12  
14 case? 09:06:17

15 A. Sworn testimony? 09:06:17

16 Q. In any matter, excuse me. 09:06:18

17 A. No, Ma'am. 09:06:24

18 MS. POOLEY: Which reminds me, perhaps we  
19 should swear in the witness.

20

21 SANG LEE,

22 having first been duly sworn, was

23 examined and testified as follows:

24

25

EXAMINATION

BY MS. POOLEY:

Q. Has the testimony that you've already given been truthful?

A. Yes, Ma'am.

Q. Okay. So, you've been placed under oath. And it's the same oath that you would take if you were testifying in a courtroom in front of a judge or a jury.

And it has the same force or effect -- force and effect as if you were testifying in that setting; do you understand that?

A. Yes, Ma'am.

Q. Okay. The court reporter as she explained a little bit before we got started is going to take down everything that is said. The questions that I ask, your answers, any objections that are made.

And it's important that we try to have one person talk at a time so that the record is clear.

So, I will ask that you try to wait until I finish the question before you start your answer. And I will try to wait for you to finish your answer before I ask my next question; all right?

A. Okay.



1	A. Yes.	16:31:31
2	Q. Were you actually on the boat during that	16:31:31
3	time?	16:31:33
4	A. No. We were on the cliff.	16:31:33
5	Q. Did you witness the ashes being spread?	16:31:35
6	A. No. He was very far away. The boat was very	16:31:38
7	far away.	16:31:41
8	Q. Okay. Do you know exactly how far out the	16:31:41
9	boat was?	16:31:44
10	A. It was pretty far.	16:31:45
11	Q. Could you estimate or would that be a guess?	16:31:47
12	A. It would be a guess. I think it was -- it	16:31:51
13	was a long time, like in 1984 so.	16:31:59
14	Q. And you also testified earlier that Frank	16:32:03
15	Ferrara was one of the, quote-unquote, older boys as	16:32:05
16	referenced in the E-Mails, meaning, as you stated,	16:32:08
17	he's just been surfing at Lunada Bay longer than you;	16:32:13
18	do you recall that testimony?	16:32:17
19	A. Yes.	16:32:18
20	Q. And you also testified that he has never told	16:32:19
21	you to behave in any certain way when it comes to	16:32:22
22	actions at Lunada Bay?	16:32:25
23	A. Absolutely not, yeah.	16:32:26
24	Q. Have you ever had any communications with	16:32:28
25	Frank Ferrara about preventing persons from visiting	16:32:34

1	Lunada Bay?	16:32:38
2	A. Absolutely not.	16:32:39
3	Q. What about preventing persons from surfing at	16:32:40
4	Lunada Bay?	16:32:43
5	A. Absolutely not.	16:32:44
6	Q. Have you ever had any communications with	16:32:45
7	Charlie Ferrara about preventing any person from	16:32:47
8	surfing at Lunada Bay?	16:32:49
9	A. Absolutely not.	16:32:50
10	Q. Have you ever had any communications with	16:32:50
11	Charlie Ferrara about preventing any persons from	16:32:52
12	visiting Lunada Bay?	16:32:54
13	A. Absolutely not.	16:32:56
14	Q. Have you ever witnessed Charlie Ferrara ever	16:32:58
15	attempt to prevent somebody from visiting Lunada Bay?	16:33:18
16	A. Absolutely not.	16:33:22
17	Q. And what about surfing at Lunada Bay?	16:33:23
18	A. Absolutely not.	16:33:25
19	Q. The same questions for Frank.	16:33:27
20	Have you ever witnessed Frank ever try to	16:33:27
21	attempt to prevent anybody from surfing at Lunada	16:33:29
22	Bay?	16:33:30
23	A. Absolutely not.	16:33:30
24	Q. What about visiting Lunada Bay?	16:33:32
25	A. Absolutely not.	16:33:35

1 MS. BACON: Those are all of the questions 16:33:37  
2 that I have. Thank you. 16:33:38  
3 MR. CROWLEY: Anybody else in the room? 16:33:39  
4 Anybody on the phone? 16:33:42  
5 Going once, going twice. 16:33:46  
6 MS. POOLEY: Thank you, Mr. Lee. 16:33:51  
7 THE WITNESS: Thanks. 16:33:53  
8 MS. POOLEY: We may see you again. 16:33:54  
9 THE REPORTER: Did you want a copy of the 16:33:54  
10 transcript? 16:33:54  
11 MR. CROWLEY: Yes, please. 16:34:04  
12 MR. DIEFFENBACH: Copy, please. 16:34:11  
13 MR. HAVEN: This is Peter Haven on the phone, 16:34:12  
14 I would like a copy of the transcript. 16:34:19  
15 MS. BACON: Copy of the transcript. 16:34:21  
16 MS. HEWITT: Copy of the transcript. 16:34:24  
17 THE VIDEOGRAPHER: This concludes the 16:34:33  
18 deposition of Sang Lee. The time is 4:34 p.m. and 16:34:34  
19 we're off the record. 16:34:38  
20 MR. DIEFFENBACH: And I'll take a rough, 16:35:30  
21 please.  
22 (Whereupon, the deposition  
23 of Sang Lee commenced at  
24 9:03 a.m. and concluded at  
25 4:34 p.m.)

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )  
4  
5

6 I, the undersigned, declare under penalty of  
7 perjury that I have read the foregoing transcript, and I  
8 have made any corrections, additions, or deletions that  
9 I was desirous of making; that the foregoing is a true  
10 and correct transcript of my testimony contained  
11 therein.  
12

13 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
15 (City) (State)  
16  
17  
18  
19

20 \_\_\_\_\_  
21 SANG LEE  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney or of any of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under the  
law of the State of California that the foregoing is  
true and correct.

Dated this 1st day of June, 2017.

---

Angelique Melody Ferrio  
CSR No. 6979



REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a  
Certified Shorthand Reporter in the State of California,  
certify that the foregoing pages are a true and correct  
copy of the original deposition of SANG LEE, taken on  
Wednesday, May 31, 2017.

I declare under penalty of perjury under the  
laws of the State of California that the foregoing is  
true and correct.

Dated this 1st day of June, 2017.

---

Angelique Melody Ferrio  
CSR No. 6979

## **Exhibit B**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL; )  
DIANA MILENA REED, AN )  
INDIVIDUAL; AND COASTAL )  
PROTECTION RANGERS, INC., )  
A CALIFORNIA NON-PROFIT PUBLIC )  
BENEFIT CORPORATION, )  
Plaintiffs, )

vs.

No.: 2:16-cv-02129-SJO  
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL )  
MEMBERS OF THE LUNADA BAY BOYS, )  
INCLUDING BUT NOT LIMITED TO )  
SANG LEE, BRANT BLAKEMAN, ALAN )  
JOHNSTON AKA JALIAN JOHNSTON, )  
MICHAEL RAE PAPAYANS, ANGELO )  
FERRARA, FRANK FERRARA, )  
CHARLIE FERRARA, ET AL., )  
Defendants. )

- - - - -

VIDEOTAPED DEPOSITION OF

FRANK FERRARA

IRVINE, CALIFORNIA

JULY 10, 2017

Atkinson-Baker, Inc.  
Court Reporters  
www.depo.com  
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A34

UNITED STATES DISTRICT  
COURT CENTRAL DISTRICT OF  
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL; )  
DIANA MILENA REED, AN )  
INDIVIDUAL; AND COASTAL )  
PROTECTION RANGERS, INC., )  
A CALIFORNIA NON-PROFIT PUBLIC )  
BENEFIT CORPORATION, )

Plaintiffs, )

vs. )

No.: 2:16-cv-02129-SJO  
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL )  
MEMBERS OF THE LUNADA BAY BOYS, )  
INCLUDING BUT NOT LIMITED TO )  
SANG LEE, BRANT BLAKEMAN, ALAN )  
JOHNSTON AKA JALIAN JOHNSTON, )  
MICHAEL RAE PAPAYANS, ANGELO )  
FERRARA, FRANK FERRARA, )  
CHARLIE FERRARA, ET AL., )

Defendants. )

- - - - -

Videotaped deposition of FRANK FERRARA, taken  
on behalf of the Plaintiffs, at Premier Business Center,  
2600 Michelson Drive, Suite 1700, Irvine, California,  
92612, commencing at 9:46 a.m., Monday, July 10, 2017,  
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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VIDEOGRAPHER: ROBERT ADAMS

## 1 INDEX

2  
3 WITNESS: FRANK FERRARA4  
5 EXAMINATION BY: PAGE  
6 MR. OTTEN 127  
8  
9 EXHIBITS10 NUMBER DESCRIPTION PAGE  
11 102 Xeroxed Colored Photograph 44  
12 Consisting of one page  
13 108 Xeroxed Colored Photograph 234  
14 Consisting of one page  
15 113 Xeroxed Colored Photograph 76  
16 Consisting of one page  
17 114 Xeroxed Colored Photograph 88  
18 Consisting of one page  
19 116 Xeroxed Colored Photograph 242  
20 Consisting of one page  
21 119 Xeroxed Colored Photograph 232  
22 Consisting of one page  
23 277 Xeroxed Black-And White 72  
24 Photograph  
25 Consisting of one page

1	EXHIBITS CONTINUED:	
2		
3	278	Plaintiffs' Notice of Deposition
4		of Defendant Frank Ferrara
5		Dated June 15, 2017
6		Consisting of three pages
7	279	Xeroxed Black-And White
8		Photograph
9		Consisting of one page
10	280	Xeroxed Black-And White
11		Photograph
12		Consisting of one page
13	281	Xeroxed Colored Photograph
14		Consisting of one page
15	282	Los Angeles Times
16		Article Collections
17		Consisting of two pages
18	283	Xeroxed Colored Photograph
19		Consisting of one page
20	284	Xeroxed Colored Photograph
21		Consisting of one page
22	285	Surf Magazine Article
23		Consisting of one page
24	286	Teach The Children Well
25		Don Boller, Long Beach
		Consisting of one page



## EXHIBITS CONTINUED:

287	Today's Lesson: Don't Be A Kook Frank Ferrara, Lunada Bay, Calif. Consisting of one page	174
288	Megan Barnes, Daily Breeze Posted 4/7/16, 7:50 p.m. Consisting of two pages	212
289	Xeroxed Colored Photograph Consisting of one page	233
290	Xeroxed Colored Photograph Consisting of one page	237
291	Xeroxed Colored Photograph Consisting of one page	240
292	Xeroxed Colored Photograph Consisting of one page	244
293	Xeroxed Colored Photograph Consisting of one page	245
294	Xeroxed Colored Photograph Consisting of one page	246
295	Xeroxed Colored Photograph Consisting of one page	248
296	Xeroxed Colored Photograph Consisting of one page	249

## EXHIBITS CONTINUED:

297	Xeroxed Colored Photograph Consisting of one page	251
298	Xeroxed Colored Photograph Consisting of one page	253
299	Xeroxed Colored Photograph Consisting of one page	254
300	Xeroxed Colored Photograph Consisting of one page	254
301	Xeroxed Colored Photograph Consisting of one page	255
302	Xeroxed Colored Photograph Consisting of one page	257
303	Xeroxed Colored Photograph Consisting of one page	261
304	Xeroxed Colored Photograph Consisting of one page	262
305	Xeroxed Colored Photograph Consisting of one page	265
306	Xeroxed Colored Photograph Consisting of one page	266
307	Xeroxed Colored Photograph Consisting of one page	267

## EXHIBITS CONTINUED:

308	Xeroxed Colored Photograph Consisting of one page	267
309	Xeroxed Colored Photograph Consisting of one page	269
310	Xeroxed Colored Photograph Consisting of one page	270
311	Xeroxed Colored Photograph Consisting of one page	271
312	Xeroxed Colored Photograph Consisting of one page	273
313	Xeroxed Colored Photograph Consisting of one page	274

## QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE	LINE
230	15
232	7
232	16

1 IRVINE, CALIFORNIA, MONDAY, JULY 10, 2017

2 9:46 A.M.

3 -000-

4 09:46:23

5 THE VIDEOGRAPHER: Good morning, everyone.

09:46:23

6 My name is Robert Adams. I'm your videographer. And

09:46:24

7 I represent Atkinson-Baker, Incorporated in Glendale,

09:46:27

8 California.

09:46:31

9 I'm not financially interested in this action

09:46:31

10 nor am I a relative or employee of any attorney or

09:46:33

11 any of the parties.

09:46:36

12 Today's date is July 10th, 2017. And the

09:46:37

13 time is 9:46 a.m.

09:46:40

14 And this deposition is taking place at

09:46:43

15 2600 Michelson Drive, Suite 1700, Irvine, California,

09:46:48

16 92612.

09:46:55

17 This is case number 2:16-cv-02129-SJO (RAOx)

09:46:55

18 entitled Spencer versus Lunada Bay Boys. The

09:47:05

19 deponent is Frank Ferrara.

09:47:08

20 This deposition is being taken on behalf

09:47:11

21 of the Plaintiffs. And the court reporter is

09:47:14

22 Angelique Ferrio from Atkinson-Baker.

09:47:16

23 Counsel will now please introduce themselves.

09:47:18

24 After all counsel present have introduced themselves,

09:47:20

25 the witness will be sworn in by the court reporter.

09:47:22

1 This is the beginning of D.V.D. Number One, 09:47:25  
2 Volume One. The D.V.D. is running and we are now on 09:47:27  
3 the record. 09:47:30

4 MR. OTTEN: My name is Vic Otten. And I 09:47:30  
5 represent the Plaintiffs. 09:47:33

6 MS. HEWITT: Antoinette Hewitt for the City 09:47:34  
7 and for the Chief Kepley. 09:47:38

8 MS. LUTZ: Tera Lutz for the Defendant 09:47:39  
9 Sang Lee. 09:47:41

10 MS. BACON: Tiffany Bacon for Defendants 09:47:41  
11 Frank Ferrara and Charlie Ferrara. 09:47:44

12 MR. HAVEN: Peter Haven for Defendant 09:47:47  
13 Michael Papayans. 09:47:52

14 MR. COOPER: Robert Cooper of Buchalter for 09:47:55  
15 Defendant Brant Blakeman. 09:48:01

16 MS. VU: Jackie Vu for the Defendant 09:48:03  
17 Sang Lee. 09:48:06

18 MR. FIELDS: Mark Fields for Defendant 09:48:06  
19 Angelo Ferrara and N.F. 09:48:08

20  
21 FRANK FERRARA,  
22 having first been duly sworn, was  
23 examined and testified as follows:  
24  
25

EXAMINATION

BY MR. OTTEN:

Q. Can you state your full name for the record,  
please.

A. Frank Ferrara.

Q. Do you have a middle name?

A. I don't use it.

Q. But do you have one?

A. I have one.

Q. What is it?

A. Joseph.

Q. Joseph?

A. Yes.

Q. Mr. Ferrara, have you ever had your  
deposition taken before?

A. Yes, I have.

Q. On how many occasions?

A. Once.

Q. How long ago was that?

A. Probably about ten years ago.

Q. And just without getting into too much  
detail, what was the nature of it; was it a civil  
case?

A. It was an insurance case which they, I guess,

1 BY MR. OTTEN: 17:03:58

2 Q. Okay. 17:03:59

3 A. I know they're family, maybe not. I see them 17:04:01

4 surfing the left. I think I've seen them surf the 17:04:04

5 Bay a couple of times, but he likes mostly surfing 17:04:09

6 the left. 17:04:12

7 Q. Okay. And do the other brothers that you 17:04:13

8 said surf? 17:04:16

9 A. They don't surf, but they're baseball 17:04:17

10 players. 17:04:19

11 Q. Give me a couple of minutes to look at my 17:04:28

12 notes. And I think that we're probably done -- 17:04:31

13 actually, not. 17:04:38

14 Let me refresh your recollection. This 17:04:54

15 lawsuit was filed, I think, March 29, 2016. 17:04:57

16 Do you recall a telephone conversation that 17:05:04

17 you had with Sang Lee on that day? 17:05:06

18 A. I don't know if it was that day, but we had a 17:05:09

19 couple of phone conversations. 17:05:12

20 Q. Let's talk about the first one which I'm 17:05:14

21 going to represent to you from Sang's phone records 17:05:18

22 that there was a conversation with you and a lot of 17:05:23

23 people, actually, on March 30th, right around that 17:05:27

24 time frame. 17:05:31

25 Do you remember what you talked about? 17:05:32

1           A. I think that we just talked a little bit           17:05:33  
2           about the case a little bit, but I don't remember           17:05:37  
3           exactly what we said to each other.           17:05:40  
4           Q. And have you ever spoken with Sang before           17:05:41  
5           that --           17:05:49  
6           A. Yes.           17:05:49  
7           Q. -- by telephone?           17:05:50  
8           A. Yeah. We've talked and texted. I tried to           17:05:51  
9           help his mom out and buy a car for them.           17:05:54  
10           Actually, from them, I was buying a car from           17:06:12  
11           them.           17:06:16  
12           Q. And do you recall having another conversation           17:06:16  
13           with him in July, just on the phone?           17:06:18  
14           A. I believe we did because he was asking me if           17:06:25  
15           I had been served or not. And I said that I wasn't           17:06:29  
16           served.           17:06:32  
17           Q. Anything else that you guys?           17:06:33  
18           A. No.           17:06:35  
19           Q. Other than Sang Lee, what other Defendants           17:06:35  
20           have you discussed the lawsuit with?           17:06:38  
21           A. None.           17:06:40  
22           Q. None?           17:06:43  
23           A. None.           17:06:43  
24           Q. Okay. So, do you know if Charlie spoke to           17:06:44  
25           Sang?           17:06:50



(Whereupon, the deposition of  
FRANK FERRARA commenced at  
9:46 a.m. and concluded at  
5:16 p.m.)

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )  
4  
5

6 I, the undersigned, declare under penalty of  
7 perjury that I have read the foregoing transcript, and I  
8 have made any corrections, additions, or deletions that  
9 I was desirous of making; that the foregoing is a true  
10 and correct transcript of my testimony contained  
11 therein.  
12

13 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
15 (City) (State)  
16  
17  
18  
19

20 \_\_\_\_\_  
21 FRANK FERRARA  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney or of any of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under the  
law of the State of California that the foregoing is  
true and correct.

Dated this 10th day of July, 2017.

\_\_\_\_\_  
Angelique Melody Ferrio  
CSR No. 6979

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2  
3  
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a  
5 Certified Shorthand Reporter in the State of California,  
6 certify that the foregoing pages are a true and correct  
7 copy of the original deposition of FRANK FERRARA, taken  
8 on Monday, July 10, 2017.

9 I declare under penalty of perjury under the  
10 laws of the State of California that the foregoing is  
11 true and correct.

12 Dated this 10th day of July, 2017.

13  
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18 \_\_\_\_\_  
19 Angelique Melody Ferrio  
20 CSR No. 6979  
21  
22  
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24  
25

Frank Ferrara  
July 10, 2017

## **Exhibit C**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 WESTERN DIVISION  
4 - - -  
5 CORY SPENCER, AN INDIVIDUAL; )  
6 DIANA MILENA REED, AN )  
7 INDIVIDUAL; AND COASTAL )  
8 PROTECTION RANGERS, INC., )  
9 A CALIFORNIA NON-PROFIT PUBLIC )  
10 BENEFIT CORPORATION, )  
11 Plaintiffs, )  
12 vs. ) No.: 2:16-cv-02129-SJO  
13 (RAOx)  
14 LUNADA BAY BOYS; THE INDIVIDUAL )  
15 MEMBERS OF THE LUNADA BAY BOYS, )  
16 INCLUDING BUT NOT LIMITED TO )  
17 SANG LEE, BRANT BLAKEMAN, ALAN )  
18 JOHNSTON AKA JALIAN JOHNSTON, )  
19 MICHAEL RAE PAPAYANS, ANGELO )  
20 FERRARA, FRANK FERRARA, )  
21 CHARLIE FERRARA, ET AL., )  
22 Defendants. )  
23 - - - - - )  
24 VIDEOTAPED DEPOSITION OF  
25 CHARLES FERRARA  
IRVINE, CALIFORNIA  
JULY 7, 2017  
Atkinson-Baker, Inc.  
Court Reporters  
www.depo.com  
(800) 288-3376  
REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979  
FILE NO: AB06A33

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UNITED STATES DISTRICT  
COURT CENTRAL DISTRICT OF  
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;  
DIANA MILENA REED, AN  
INDIVIDUAL; AND COASTAL  
PROTECTION RANGERS, INC.,  
A CALIFORNIA NON-PROFIT PUBLIC  
BENEFIT CORPORATION,

Plaintiffs,

vs.

LUNADA BAY BOYS; THE INDIVIDUAL  
MEMBERS OF THE LUNADA BAY BOYS,  
INCLUDING BUT NOT LIMITED TO  
SANG LEE, BRANT BLAKEMAN, ALAN  
JOHNSTON AKA JALIAN JOHNSTON,  
MICHAEL RAE PAPAYANS, ANGELO  
FERRARA, FRANK FERRARA,  
CHARLIE FERRARA, ET AL.,

Defendants.

- - - - -

No.: 2:16-cv-02129-SJO  
(RAOx)

Videotaped deposition of CHARLES FERRARA, taken  
on behalf of the Plaintiffs, at Premier Business Center,  
2600 Michelson Drive, Suite 1700, Irvine, California,  
92612, commencing at 9:36 a.m., Friday, July 7, 2017,  
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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11 ALSO PRESENT: GARY BOWDEN, VIDEOGRAPHER  
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## 1 INDEX

2

3 WITNESS: CHARLES FERRARA

4

5 EXAMINATION BY: PAGE

6 MS. WOLFF 10

7

8 EXAMINATION BY: PAGE

9 MR. GLOS 190

10

11

## 12 EXHIBITS

13 NUMBER DESCRIPTION PAGE

14 266 Plaintiffs' Notice of Deposition 13  
15 of Defendant Charlie Ferrara  
16 Dated June 15, 2017  
17 Consisting of six pages

17

18 267 Transcription of recording 140  
19 12823269.1  
20 Consisting of seven pages

20

21 268 Xeroxed Colored Photograph 146  
22 Consisting of one page

22

23

24 269 Xeroxed Colored Photograph 148  
25 Consisting of one page

25

1		EXHIBITS CONTINUED:	
2			
3	270	Xeroxed Colored Photograph	151
4		Consisting of one page	
5			
6	271	Xeroxed Colored Photograph	153
7		Consisting of one page	
8			
9	272	Xeroxed Colored Photograph	155
10		Consisting of one page	
11			
12	273	Xeroxed Colored Photograph	156
13		Consisting of one page	
14			
15	274	Xeroxed Colored Photograph	178
16		Consisting of one page	
17			
18	275	Xeroxed Colored Photograph	182
19		Consisting of one page	
20			
21	276	Xeroxed Colored Photograph	186
22		Fort Structure in 2016	
23		Consisting of one page	
24	277	Xeroxed Black-And-White	189
25		Photograph	
		Consisting of one page	

1 INDEX CONTINUED:

2

3 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

4 PAGE LINE

5

6 16 9

7 77 19

8 175 18

9 176 11

10

11

12 INFORMATION TO BE SUPPLIED:

13 PAGE LINE

14 (NONE)

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1	IRVINE, CALIFORNIA, FRIDAY, JULY 7, 2017	
2	9:36 A.M.	
3	-000-	
4		09:35:44
5	THE VIDEOGRAPHER: Good morning. I'm	09:35:45
6	Gary Bowden, your videographer. And I represent	09:35:47
7	Atkinson-Baker, Incorporated, in Glendale,	09:35:50
8	California.	09:35:50
9	I'm not financially interested in this action	09:35:53
10	nor am I a relative or employee of any attorney or	09:35:56
11	any of the parties.	09:36:00
12	The date is July 7, 2017. And the time is	09:36:02
13	9:36 a.m. This deposition is taking place at	09:36:07
14	Premiere Business Center, 2600 Michelson Drive,	09:36:12
15	Suite 1700, Irvine, California.	09:36:15
16	This is case number 2:16-cv-02129-SJO (RAOx)	09:36:19
17	entitled Spencer versus Lunada Bay Boys. The	09:36:33
18	deponent is Charles Ferrara. And this deposition is	09:36:38
19	being taken on behalf of the Plaintiffs.	09:36:44
20	Counsel will now please introduce themselves.	09:36:49
21	After all counsel present have introduced themselves,	09:36:52
22	the witness will be sworn in by the court reporter.	09:36:55
23	This is the beginning of D.V.D. one,	09:36:59
24	Volume One. The D.V.D. is running and we're now on	09:37:00
25	the record.	09:37:03

1 MS. WOLFF: Good morning. Samantha Wolff on 09:37:04  
2 behalf of the Plaintiffs. 09:37:06

3 MS. HURLEY: Good morning. Alison Hurley on 09:37:07  
4 behalf of the witness, Charles Ferrara. 09:37:09

5 MS. MCLAUGHLIN: Kristin McLaughlin for 09:37:11  
6 Defendant Sang Lee. 09:37:11

7 MR. GLOS: Christopher Glos on behalf of the 09:37:13  
8 City and Chief Kepley. 09:37:17

9 MR. FIELDS: On the phone is Mark Fields, 09:37:23  
10 attorney for Angelo Ferrara and N.F. 09:37:26

11 MR. COOPER: Robert Cooper on behalf of the 09:37:30  
12 Defendant Brant Blakeman. 09:37:32

13  
14 CHARLES FERRARA,  
15 having first been duly sworn, was  
16 examined and testified as follows:

17  
18 EXAMINATION

19 09:37:44

20 BY MS. WOLFF: 09:37:44

21 Q. Good morning. 09:37:45

22 A. Good morning. 09:37:45

23 Q. Are you represented by counsel today? 09:37:46

24 A. Yes. 09:37:48

25 Q. And who is your counsel? 09:37:49

1	A. Ms. Bacon -- sorry.	09:37:50
2	MS. HURLEY: That's okay. Tiffany Bacon	09:37:56
3	works in my office.	09:37:58
4	BY MS. WOLFF:	09:38:00
5	Q. Are there any other attorneys representing	09:38:00
6	you other than what you just mentioned?	09:38:03
7	A. No.	09:38:05
8	Q. Can you please spell your name for the	09:38:05
9	record.	09:38:06
10	A. Charles Michael Ferrara, C-h-a-r-l-e-s,	09:38:06
11	M-i-c-h-a-e-l, F-e-r-r-a-r-a.	09:38:08
12	Q. Thank you.	09:38:16
13	Have you ever had your deposition taken	09:38:17
14	before?	09:38:19
15	A. No.	09:38:19
16	Q. Have you ever signed any written documents	09:38:20
17	like a declaration under penalty of perjury before?	09:38:22
18	A. No.	09:38:25
19	Q. Have you ever testified in court before?	09:38:26
20	A. No.	09:38:28
21	Q. So, since you're sort of new to all of this,	09:38:28
22	I'll go over some ground rules. I'm sure that your	09:38:34
23	attorney probably went over some with you, but just	09:38:37
24	so that you understand how the process works.	09:38:39
25	Now, you're under oath which is the same oath	09:38:42



1 in 2010 or no, 2008, I'm sorry. I broke my left arm, 09:53:34  
2 another racing incident. 09:53:41

3 And then in 2012, I had a really bad one 09:53:42  
4 where I was like had some brain sheering. And I hit 09:53:48  
5 my head really hard. 09:53:53

6 And I had to be medevaced out of the track 09:53:55  
7 where we were racing. And I was in the hospital for 09:53:58  
8 30 days. 09:54:00

9 And then I had to do six months of physical 09:54:01  
10 therapy cognitive physical. I had to do, you know, 09:54:04  
11 and with that kind of set me back a little bit. 09:54:10

12 I couldn't -- the doctors told me, you're not 09:54:13  
13 surfing again like, not to play baseball, not to 09:54:16  
14 surf, not to ride a bike. 09:54:19

15 So, I started kind of rehabbing myself and 09:54:22  
16 getting better with everything. And I started 09:54:26  
17 surfing again, the winter of 2015 is when I started. 09:54:28

18 I started paddling first. That summer I was 09:54:36  
19 paddling a lot. And then I kind of worked my way up 09:54:39  
20 back to surfing. 09:54:42

21 Q. What does that mean paddling? 09:54:43

22 A. Just like going out with my surfboard going 09:54:45  
23 on the beach and paddling for a couple of miles and 09:54:48  
24 getting conditioned for it. 09:54:51

25 Q. Understood. So then you've been surfing 09:54:55

1	at Lunada Bay where you see people hanging out before	10:14:20
2	they go surfing at Lunada Bay?	10:14:23
3	A. No.	10:14:25
4	Q. Do you know if there are any plans to rebuild	10:14:26
5	a structure where guys who surf there can hang out?	10:14:28
6	A. No.	10:14:33
7	Q. Have you ever received a text message from	10:14:33
8	someone asking you to meet up at Lunada Bay to go	10:14:39
9	surfing?	10:14:42
10	A. No.	10:14:43
11	Q. Have you ever received a phone call from	10:14:43
12	anyone asking you to meet up at Lunada Bay to go	10:14:45
13	surfing?	10:14:49
14	A. Can you rephrase the question?	10:14:49
15	Q. Has anyone called you and said, hey, do you	10:14:51
16	want to meet up and go surfing at Lunada Bay?	10:14:53
17	A. I've had talks with my dad, if he goes by,	10:14:56
18	we've had those conversations like, hey, the surf	10:15:00
19	looks kind of fun. So, try if you can get out, let's	10:15:03
20	try to surf, you know, yeah, my father, yes.	10:15:07
21	Q. Anyone else?	10:15:10
22	A. No.	10:15:11
23	Q. What about E-Mails, any E-Mails with --	10:15:12
24	A. No.	10:15:14
25	Q. -- friends or family asking you to go	10:15:14

1 surfing? 10:15:16

2 A. No. So, like I'm computer illiterate. I can 10:15:17

3 barely open my E-Mail. It's terrible. 10:15:21

4 Q. Do you ever get text messages asking you to 10:15:25

5 hangout at Lunada Bay? 10:15:28

6 A. No. 10:15:30

7 Q. And these texts, I'm sorry, you said phone 10:15:31

8 calls with your dad about surfing at Lunada Bay, has 10:15:39

9 he called you, would you say, in the past three 10:15:41

10 years? 10:15:43

11 A. Well, before that I wasn't surfing because I 10:15:44

12 had my injuries, but I would say in the last year 10:15:48

13 since '15, '16, there has been a couple of times 10:15:53

14 where I was at work and he would say, try to go 10:15:56

15 straight after work. 10:15:59

16 It's worth it to come down. There's surf or 10:16:00

17 I would drive by and say, dad, there are some waves. 10:16:03

18 It looks like fun. That's basically it. 10:16:07

19 Q. How long is the drive from San Pedro to 10:16:10

20 Lunada Bay? 10:16:13

21 A. Oh, it's like a good, it can be, if there's 10:16:14

22 traffic on 25th Street, sometimes it can be like a 10:16:19

23 half hour, you know, 35 minutes, but it's usually 10:16:23

24 like 15 to 20 minutes. 10:16:29

25 Q. Do you communicate with Sang Lee by cell 10:16:31

1	phone?	10:16:43
2	A. No.	10:16:43
3	Q. Have you ever texted or called him?	10:16:44
4	A. Yes. I used to work with him like a few	10:16:47
5	years ago. We would do some -- he's a roofer. And	10:16:50
6	he had some work for me. So, I worked with him so.	10:16:55
7	Q. Do you recall approximately the dates that	10:16:59
8	you worked with him?	10:17:01
9	A. The years probably, let me think, um,	10:17:02
10	probably 2013 -- well, no, no, it's before that. So,	10:17:10
11	about 2008. And then 2014 a couple little side jobs.	10:17:23
12	That's pretty much it.	10:17:36
13	Q. It's just working with him kind of	10:17:37
14	sporadically?	10:17:40
15	A. Exactly.	10:17:41
16	Q. Other than talking about roofing jobs, it	10:17:42
17	sounds like were there any other times that you	10:17:44
18	communicated with Sang Lee?	10:17:47
19	A. No, no.	10:17:48
20	Q. And that was by text or phone?	10:17:49
21	A. Phone, I believe, phone.	10:17:52
22	Q. And have you communicated with any other	10:17:55
23	Defendant by phone in the past four years?	10:18:05
24	MS. HURLEY: Objection, lacks foundation,	10:18:07
25	calls for speculation, if you even know who the	10:18:09

1 she's going to sit on the beach and take pictures of 12:43:45

2 me surfing. 12:43:50

3 Q. It's understandable. 12:43:50

4 Has anyone sent you videos of yourself 12:43:52

5 surfing? 12:43:56

6 A. No. 12:43:57

7 Q. Have you taken videos of anyone surfing at 12:43:57

8 Lunada Bay? 12:44:01

9 A. No. 12:44:01

10 Q. So, you don't share photographs or videos 12:44:01

11 with people that you surf with? 12:44:10

12 A. No. 12:44:11

13 Q. Can you tell me what efforts you've made to 12:44:12

14 locate prior cell phone bills from January of 2013 to 12:44:26

15 the present time? 12:44:31

16 A. Um, yeah. I just talked to my mom about the 12:44:31

17 AT&T thing. Sorry. What were the dates for that? 12:44:35

18 Q. January of 2013 to the present time. 12:44:39

19 A. Um, yeah, it's getting a hold of Sprint, and 12:44:42

20 before that, so, that was after my accident because 12:44:48

21 that was '12. 12:44:50

22 So, it would have been Sprint and then AT&T. 12:44:51

23 So, the Sprint one they're very hard to deal with 12:44:55

24 them still. 12:45:01

25 They ended up -- I think I'm almost done with 12:45:01

1 paying them off. I've got, AT&T bought the contract 12:45:05  
2 from Sprint. So, yeah, it was, it's a little hard 12:45:10  
3 dealing with Sprint a little bit. 12:45:15

4 They're not that helpful and neither is AT&T. 12:45:17  
5 They don't really want to help me, even give me the 12:45:21  
6 files. And I haven't really tried that hard, 12:45:25  
7 honestly. 12:45:28

8 Q. Have you personally reached out to -- 12:45:29

9 A. Yes. I try tried to reach out to AT&T and 12:45:30  
10 Sprint just one time, but I didn't proceed. I think 12:45:34  
11 they were just send you like a booklet and you have 12:45:36  
12 to go through. I don't know exactly. 12:45:40

13 My mom tried, yeah. I think that she tried, 12:45:42  
14 too, to get something from AT&T because it's on her 12:45:45  
15 account. And the Sprint thing I got nowhere with 12:45:49  
16 Sprint. 12:45:51

17 Q. And you said that you think that they sent 12:45:51  
18 you a booklet; did you receive anything? 12:45:54

19 A. Yeah, I'm sorry, I didn't receive anything. 12:45:56  
20 I just know from the Sprint because that was my 12:45:59  
21 account. 12:46:02

22 It was just kind of getting, they talk to 12:46:02  
23 this person, talk to that person, giving me a run 12:46:05  
24 around. 12:46:09

25 And AT&T my mom said it was under her name 12:46:09

1 for her account. So, she just said that she couldn't 12:46:13  
2 get something. And I did hear somewhere that maybe 12:46:16  
3 sending her a booklet or book with every phone call 12:46:19  
4 or text, so, but she never got it. 12:46:23

5 Q. Do you know if she ever followed up? 12:46:26

6 A. I don't think so. 12:46:28

7 Q. And, I'm sorry, I don't remember, when did 12:46:28  
8 you switch from Sprint to AT&T; do you remember what 12:46:34  
9 year or month? 12:46:37

10 A. It was, not that long ago, um, 2016, like 12:46:38  
11 April of 2016. 12:46:50

12 Q. That you switched? 12:46:52

13 A. Yeah. 12:46:53

14 Q. Okay. 12:46:54

15 A. A year ago probably, a little more than a 12:46:55  
16 year. 12:47:00

17 Q. And what steps have you taken to locate any 12:47:00  
18 photographs that were taken at Lunada Bay? 12:47:07

19 MS. HURLEY: Objection, lacks foundation, 12:47:10  
20 vague and ambiguous. 12:47:12

21 BY MS. WOLFF: 12:47:13

22 Q. Let me rephrase that. 12:47:14

23 Have you taken any steps to locate any 12:47:17  
24 photographs of Lunada Bay that in your possession? 12:47:18

25 A. No, because I don't take pictures at 12:47:21

1 THE REPORTER: Counsel, do you want a copy  
2 of the deposition?

3 MR. GLOS: Yes.

4 MS. VU: No.

5 MR. DIEFFENBACH: Yes.

6 MS. MCCLAUGHLIN: Yes.

7 MS. HURLEY: Yes.

8 MR. HAVEN: Yes.

9  
10  
11 (Whereupon, the deposition of  
12 CHARLES FERRARA commenced at  
13 9:36 a.m. and concluded at  
14 1:40 p.m.)  
15  
16  
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21  
22  
23  
24  
25



1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )  
4  
5

6 I, the undersigned, declare under penalty of  
7 perjury that I have read the foregoing transcript, and I  
8 have made any corrections, additions, or deletions that  
9 I was desirous of making; that the foregoing is a true  
10 and correct transcript of my testimony contained  
11 therein.  
12

13 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
15 (City) (State)  
16  
17  
18  
19

20 \_\_\_\_\_  
21 CHARLES FERRARA  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney or of any of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under the  
law of the State of California that the foregoing is  
true and correct.

Dated this 7th day of July, 2017.

---

Angelique Melody Ferrio  
CSR No. 6979

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2  
3  
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a  
5 Certified Shorthand Reporter in the State of California,  
6 certify that the foregoing pages are a true and correct  
7 copy of the original deposition of CHARLES FERRARA,  
8 taken on Friday, July 7, 2017.

9 I declare under penalty of perjury under the  
10 laws of the State of California that the foregoing is  
11 true and correct.

12 Dated this 7th day of July, 2017.

13  
14  
15  
16  
17 \_\_\_\_\_  
18 Angelique Melody Ferrio  
19 CSR No. 6979  
20  
21  
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